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Attorneys for Plaintiff
13 SUCCESSFACTORS, INC.

14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16 OAKLAND DIVISION

18 SUCCESSFACTORS, INC., a Delaware
corporation,

19
20 Plaintiff,

21 v.

22 SOFTSCAPE, INC., a Delaware
corporation; and DOES 1-10, inclusive,
23 Defendants.
24

Case No. CV 08-01376 CW

**STIPULATION AND [PROPOSED] ORDER
REGARDING MOTION FOR PROTECTIVE
ORDER**

Courtroom: G, 15th Floor
Judge: Magistrate Judge Bernard Zimmerman

Date of Filing: April 28, 2008
Trial Date: No Date Set

25 Plaintiff SuccessFactors, Inc. and Defendant Softscape, Inc., by and through their respective
26 counsel of record, hereby stipulate and agree as follows:

27 1. The return date on Softscape's non-party subpoenas for deposition testimony and
28 documents issued on April 21, 2008 to Sears, Roebuck, Inc., Harris Williams & Co., Intelsat

1 Corporation, and ICMA-RC Services, Inc. (“the Customer Subpoenas”) and SuccessFactors’
2 subpoena to Ely Valls dated April 25, 2008, shall be continued and compliance stayed until sixty
3 (60) days from the date of this Order. Should either party believe a further extension of the stay
4 of the Customer or Ely Valls Subpoenas is necessary, the parties will meet and confer in good
5 faith to determine if a negotiated extension of the stay can be reached. Following such a meet and
6 confer, any party desiring to extend the stay shall file a letter brief with the Court stating the basis
7 for the request, and the party opposing any extension shall file a reply letter brief.

8 2. Before Softscape requests further response to the Customer Subpoenas, it and
9 SuccessFactors, and to the extent necessary the non-parties parties, will meet-and-confer in good
10 faith to determine if the subpoenas are necessary. If Softscape believes that the subpoenas are
11 still necessary because some or all of the information cannot be obtained directly from the parties,
12 Softscape, SuccessFactors and the non-parties will confer to address the objections set forth in
13 SuccessFactors’ Motion for Protective Order (Dkt. No. 92) and any objections by the non-parties.

14 3. SuccessFactors agrees to withdraw its pending Motion for Protective Order. Its
15 withdrawal, however, is without prejudice to resubmitting the Motion in whole or in part if the
16 parties are unable to resolve any disagreements regarding the scope and timing of compliance
17 with the Customer Subpoenas. The parties and non-parties expressly reserve any and all rights in
18 and objections to the non-party subpoenas. Nothing in this stipulation or in any prior
19 communications shall be construed as a waiver of any rights or objections.

20 **IT IS SO STIPULATED.**

21 **ATTESTATION**

22 Concurrence in the filing of this document has been obtained from the other signatories.

23
24 Dated: May 14, 2008

FENWICK & WEST LLP

25
26 By: /s/ Patrick E. Premo
27 Patrick E. Premo
28 Attorneys for Plaintiff SUCCESSFACTORS, INC.

1 Dated: May 14, 2008

TAYLOR & COMPANY LAW OFFICES, LLP

2
3 By: /s/ Jessica L. Grant

Jessica L. Grant

4 Attorneys for Defendant SOFTSCAPE, INC.

5 Dated: May 14, 2008

MINTZ, LEVIN, COHN, FERRIS, GLOVSKY
AND POPEO, P.C.

6
7 By: /s/ Bryan J. Sinclair

8 Bryan J. Sinclair

9 Attorneys for Defendant SOFTSCAPE, INC.

10 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

11
12 Dated: _____, 2008

Magistrate Judge Bernard Zimmerman
United States District Court Judge

FENWICK & WEST LLP
ATTORNEYS AT LAW
SAN FRANCISCO

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